

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES NOS.
1-50,

Defendants.

Case No. 1:22-cv-187

**STIPULATION AND PROPOSED
ORDER RE EXPEDITED DISCOVERY
BRIEFING SCHEDULE FOR
PRELIMINARY INJUNCTION
MOTION**

Plaintiff Moog Inc. (“Plaintiff” or “Moog”) and Defendants Skyrise, Inc. (“Skyrise”), Robert Alin Pilkington (“Pilkington”), Misook Kim (“Kim”) (collectively, “Defendants,” and each individually, a “Defendant”) (Plaintiff and Defendants shall collectively be referred to as the “Parties”) hereby stipulate and agree to the following schedule regarding expedited discovery, and briefing and hearing schedule on Moog’s Motion for Preliminary Injunction.

1. On March 17, 2022, the Parties filed a Stipulation Re: Expedited Discovery (ECF 33) (the “Expedited Discovery Stipulation”). Paragraph 6 of the Expedited Discovery Stipulation contained a schedule for the parties to complete expedited discovery, and a briefing/hearing schedule on Moog’s Motion for Preliminary Injunction. The Parties hereby agree to replace Paragraph 6 of the Expedited Discovery Stipulation with the following revised schedule for expedited discovery, and for briefing and hearing in connection with Moog’s Motion for Preliminary Injunction:

- The Parties’ deadline to substantially complete production of documents in response to expedited discovery requests is June 2, 2022;

- The Parties' deadline to submit written discovery disputes to the Court for resolution is June 16, 2022;
- The Parties' deadline to substantially complete expedited discovery, including all depositions, is August 25, 2022;
- Defendants' deadline to file their Oppositions to Moog's Motion for Preliminary Injunction is September 8, 2022;
- Moog's deadline to file its Reply in Support of its Motion for Preliminary Injunction is September 29, 2022;
- The hearing on Moog's Motion for Preliminary Injunction shall be scheduled for October 17, 2022, subject to the Court's availability.

2. "Substantially" with respect to the above deadlines shall mean "in a manner that will not disrupt the briefing and argument schedule, with the burden of justification falling upon the party who fails to comply."

3. Skyryse's deadline to complete its privilege review of the forensic images of its five devices currently in the neutral forensics vendor's possession, and provide a log of materials to be excised to Moog's outside counsel, is June 24, 2022.

4. The Individual Defendants' deadline to complete their privilege and/or privacy review of the forensic images of their 23 devices currently in the neutral forensics vendor's possession, and provide a log of materials to be excised to Moog's outside counsel, is June 24, 2022.

5. Contingent upon the technical capability of the neutral forensic vendor, all potentially privileged files shall be provisionally excised from the 28 electronic devices currently in the neutral forensics vendor's possession on or before June 8, 2022. The forensic images of these 28 devices, minus the excised potentially privileged files, shall be made

available for inspection by Moog as soon as practicable pursuant to the Inspection Protocol entered in this case (ECF 96-2). On or before June 24, 2022, Skyrise and the Individual Defendants shall advise the neutral forensics vendor which of the excised potentially privileged files are indeed privileged and must be permanently excised, and which of the excised potentially privileged files are not privileged and such files will be made available for review by Moog as soon as practicable.

6. Aside from the modifications made herein to the Expedited Discovery Stipulation, all other provisions therein will remain intact and in full force and effect.

IT IS SO STIPULATED.

DATED: June 2, 2022

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP HODGSON RUSS LLP By: <u>/s/Rena Andoh</u> Counsel for Plaintiff Moog Inc.	LATHAM & WATKINS, LLP HARRIS BEACH PLLC By: <u>/s/Douglas Lumish / KS</u> Counsel for Defendant Skyrise, Inc.
WINGET, SPADAFORA & SCHWARTZBERG, LLP By: <u>/s/Anthony Green</u> Counsel for Defendant Robert Alin Pilkington	WINGET, SPADAFORA & SCHWARTZBERG, LLP By: <u>/s/Anthony Green</u> Counsel for Defendant Misook Kim

IT IS SO ORDERED.

DATED _____, 2022	_____ The Honorable Jeremiah J. McCarthy
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